

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LISA J. JERABEK,

Plaintiff,

vs.

SONNY PERDUE, as Secretary of
Department of Agriculture; and HOWARD-
GREELEY FARM SERVICE AGENCY, a
Nebraska branch office of the USDA Farm
Service Agency;

Defendants.

4:19CV3049

SECOND AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the parties' Joint Motion to Extend Progression Order ([Filing No. 42](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Joint Motion to Extend Progression Order ([Filing No. 42](#)) is granted, and the amended case progression order ([Filing No. 30](#)) is amended as follows:

- 1) The deadline for the defendant to identify expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **May 19, 2020**.
- 2) The deadline for the plaintiff to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **May 28, 2020**.
- 3) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 11, 2020**.
- 4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **August 11, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **September 14, 2020**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) The deposition deadline is **September 14, 2020**.
- 6) The status conference scheduled for July 24, 2020, is cancelled. A status conference to discuss dispositive motions, the pretrial conference and trial dates, and settlement status will be held with the undersigned magistrate judge on **September 14, 2020**, at **9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 7) The deadline for filing a motion to strike jury demand, motions to dismiss, and motions for summary judgment is **October 16, 2020**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 29th day of April, 2020.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge